IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTORIA GIAMPA,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the County of Clark, and DISTRICT COURT JUDGE SANDRA L. POMRENZE,

Respondent.

and

CHARLES F. GIAMPA,

Real Party In Interest.

Received
Las Vegas Drop Box
Clerk of Supreme Court
March 16, 2009

District Court
Case No: 98-D224029
Nevada Supreme
Court No.:

Oral Argument Requested:
YES

VICTORIA GIAMPA'S PETITION TO SEEK PERMISSION TO CORRECT A CLERICAL MISTAKE AND/OR CLARIFICATION PURSUANT TO NRCP 60(a) TO PETITIONER VICTORIA GIAMPA'S PETITION FOR REHEARING

COMES NOW, PETITIONER VICTORIA GIAMPA (hereinafter VICTORIA), In Proper Person, PETITION TO SEEK PERMISSION TO CORRECT A CLERICAL MISTAKE AND/OR CLARIFICATION PURSUANT TO NRCP 60(a) TO PETITIONER VICTORIA GIAMPA'S PETITION FOR REHEARING.

WHEREFORE, PETITIONER VICTORIA prays that this Honorable Nevada Supreme Court:

1. issue a Court Order for correction and/or clarification of PETITIONER VICTORIA'S PETITION TO SEEK PERMISSION TO CORRECT A CLERICAL MISTAKE AND/OR CLARIFICATION PURSUANT TO NRCP 60(a).

NOTICE OF HEARING

TO: DISTRICT COURT JUDGE SANDRA L. POMRENZE

TO: CHARLES F. GIAMPA – PLAINTIFF, REAL PARTY IN INTEREST

PLEASE TAKE NOTICE that the undersigned will bring the above entitled petition, on for hearing before the Nevada Supreme Court, Carson City, Nevada on the ____day of _____, 2009, in Department No. __, at ___ _.m., or as soon thereafter as counsel can be heard.

DATED this 16th day of MARCH, 2009.

By: Victoria Giampa
1848 Wellington Court
Henderson, Nevada 89014
(702) 434-9027

FACTUAL AND LEGAL ARGUMENT
(Points and Authorities)

1. PETITIONER VICTORIA (hereinafter VICTORIA) seeks permission for leave to obtain a Court Order for correction and/or clarification due to such clerical mistake affecting issues to be argued and decided by the Nevada Supreme Court. VICTORIA contends that the language used in the March 10, 2009 Petition could unreasonably be subject to interpretation and requiring clarification arising from a clerical mistake. In this regard, VICTORIA contends that NRCP 60(a) is generally used to cure a clerical mistake and/or clarification as follows:

> (a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

2. VICTORIA contends that the following sentence on Pg. 33/L17-25 needs correction to accurately reflect the record from:

> VICTORIA argues that the Court issued an arbitrary and capricious order that a change of primary custody to "joint physical custody" was in the child's best interest. VICTORIA contends that the Ellis case is suspect in that no mention is made of a timeline and no mention is made whether the parties were afforded an opportunity to mediate the issue of the child's education first before Carucci filed for a motion for a change of custody.
>
> VICTORIA further argues that if the parties were denied mediation, it was unconstitutional to deprive the parties' notice and an opportunity to be heard regarding the child's education in a mediation setting first based on Ellis' status as primary custodian.
>
> VICTORIA argues that the Court's custom and policy of denying the parties an opportunity to mediate child issues of education results in violations of constitutionally protected rights of the child.

to:

> VICTORIA argues that in her case, the Court issued an arbitrary and capricious order that a change of primary custody to "joint physical custody" was in the child's best interest.

VICTORIA contends that the **Rivero** [1] case is suspect in that no mention is made of a timeline. No mention is made whether the parties were afforded an opportunity to mediate constitutional issues first such as the children's education and welfare and to define for themselves what constitutes "joint custody" and to allow the parents their fundamental right to enter into a parental stipulation on child support which may be used as child support guidelines before Rivero filed for a motion for a change of custody. VICTORIA contends that the Nevada Supreme Court's failure to deliberately define "joint custody" makes all such orders in VICTORIA'S case void and any other orders in other cases also void.

Likewise, in the case of **Ellis**[2], no mention is made whether the parties were afforded an opportunity to mediate constitutional issues first such as the children's education and welfare and to define for themselves what constitutes "joint custody" and to allow the parents their fundamental right to enter into a parental stipulation on child support which may be used as child support guidelines before Carucci filed for a motion for a change of custody. VICTORIA contends that the Nevada Supreme Court's failure to deliberately define "joint custody" makes all such orders in VICTORIA'S case void and any other orders in other cases also void.

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[1] Rivero v. Rivero, 195 P.3d 328 (2008)
[2] Ellis v. Carucci, 161 P.3d 239 (2007)

CONCLUSION

Based upon the above and foregoing factual and legal argument, VICTORIA has demonstrated that she is entitled to have this Court make an order for correction and/or clarification to accurately reflect the record due to a clerical mistake.

AFFIDAVIT

STATE OF NEVADA)
) SS:
COUNTY OF CLARK)

VICTORIA GIAMPA, first being duly sworn, deposes and says:

1. I am the PETITIONER in this matter. I am making this Affidavit in Support of PETITIONER VICTORIA GIAMPA'S PETITION TO SEEK PERMISSION TO CORRECT A CLERICAL MISTAKE AND/OR CLARIFICATION PURSUANT TO NRCP 60(a) TO PETITIONER VICTORIA'S PETITION FOR REHEARING;

2. That I have personal knowledge of all facts stated herein, except those facts stated to be based on information and belief. If called to do so, I could and would competently testify to the truth of the facts stated herein, except those facts stated to be based upon information and belief;

3. That on March 10, 2009, VICTORIA filed PETITION FOR REHEARING with the Nevada Supreme Court;

4. That VICTORIA believes that the **Rivero**[3] case is suspect in that no mention is made of a timeline. No mention is made whether the parties were afforded an opportunity to mediate constitutional issues first such as the children's education and welfare and to define for themselves what constitutes "joint custody" and to allow the parents their fundamental right to enter into a parental stipulation on child support which may be used as child support guidelines before Rivero filed for a motion for a change of custody. VICTORIA further believes that the Nevada Supreme Court's failure to deliberately define "joint custody" makes all such orders in VICTORIA'S case void and any other orders in other cases also void;

5. VICTORIA believes that in the case of **Ellis**,[4] no mention is made whether the parties were afforded an opportunity to mediate constitutional issues first such as the children's education and welfare and to define for themselves what constitutes "joint custody" and to allow the parents their fundamental right to enter into a parental stipulation on child support which may be used as child support guidelines before Carucci filed for a motion for a change of custody. VICTORIA believes that the Nevada Supreme Court's failure to deliberately define "joint custody" makes all such orders in VICTORIA'S case void and any other orders in other cases also void.

6. VICTORIA believes that she is entitled to obtain a Court Order for correction and/or clarification to accurately reflect the record due to VICTORIA using a poor choice of

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[3] Rivero vs. Rivero, 195 P.3d 328 (2008)
[4] Ellis v. Carucci, 161 P.3d 239 (2007)

words when rushing to proofread her October 21, 2008 Petition to Amend.

FURTHER AFFIANT SAYETH NAUGHT.

VICTORIA GIAMPA

SUBSCRIBED AND SWORN to before me
this 16th day of MARCH 2009.

Celina Mason
NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, Victoria Giampa, hereby certify that on the 16th day of March 2009, I personally placed in the U.S. Mail, postage prepaid, PETITION TO SEEK PERMISSION TO CORRECT A CLERICAL MISTAKE AND/OR CLARIFICATION PURSUANT TO NRCP 60(a) TO PETITIONER VICTORIA GIAMPA'S PETITION FOR REHEARING to the following:

Charles Giampa
2963 E. Viking Road
Las Vegas, Nevada 89121

Judge Sandra L. Pomrenze
602 E. Pecos Road
Las Vegas, Nevada 89101

VICTORIA GIAMPA
Petitioner In Pro Se